

In The Court Of Appeal Of The State Of California 113
Sixth Appellate District
San Jose, California

MONDAY, JUNE 18, 2001

(no minute approved orders)

TUESDAY, JUNE 19, 2001

H021882 PEOPLE v. DELATORRE

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed June 19, 2001

H020779 PEOPLE v. AISETEWA, JR.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed June 19, 2001

H019853 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed June 19, 2001

WEDNESDAY, JUNE 20, 2001

H021285 PEOPLE v. FLAMENCA

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed June 20, 2001

H020211 PEOPLE v. NIEBAUER

(Filed order modifying opinion.) There is no change in the
judgment. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed June 20, 2001

H021762 PEOPLE v. MC COY

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed June 20, 2001

Sixth Appellate District

San Jose, California

Wednesday, June 20, 2001 (continued)

H020741 PEOPLE v. HAYES

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed June 20, 2001

THURSDAY, JUNE 21, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J.; Wunderlich, J.; and S. Nasson, Deputy Clerk.

H021928 DEPT. OF FAMILY & CHILDREN'S SERVICES v. JOSEFINA R.

Cause called and argued by Sheri Cohen appearing for Appellant and by Teri Robinson, Deputy County Counsel, appearing for Respondent and by Robert Masterson, Deputy District Attorney, appearing for Respondent minors. Cause ordered submitted.

H022440 SANTA CRUZ HUMAN RESOURCES AGENCY v. RAMIRO H.

Cause called and argued by Jonathan Grossman appearing for Appellant and by Tamyra Rice, Deputy County Counsel, appearing for Respondent and by Allison Brumbach appearing for Respondent minor. Cause ordered submitted. Court is adjourned.

H020611 PEOPLE v. BANUCHI, et al.

The judgment as to defendant Banuchi is affirmed. With respect to defendant Gortarez, the judgment is vacated and the matter is remanded for resentencing in light of our conclusion that Gortarez's perjury conviction cannot stand. Therefore, we shall deny Gortarez's accompanying petition for writ of habeas corpus by separate order. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed June 21, 2001

Sixth Appellate District

San Jose, California

Thursday, June 21, 2001 (continued)

H021311 PEOPLE v. ROBERT T.

The jurisdictional and dispositional orders are affirmed.
(not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed June 21, 2001

H020625 WERSHBA v. APPLE COMPUTER, INC.; CONSUMER ADVOCATES, et
al. v. APPLE COMPUTER, INC.; DOHERTY, et al.

By the Court:

On the court's own motion, rehearing is granted.
(Cottle, P.J., Bamattre-Manoukian, J. and Wunderlich, J.
participated in this decision.)
Filed: June 21, 2001

H018009 AVANT! CORPORATION v. SILVACO INTERNATIONAL, INC., et
al.; HAILEY

The judgment is reversed. Silvaco may seek leave to file a second amended cross-complaint regarding its 5th and 6th causes of action. If it files an amended pleading, this shall vacate the defaults of Meta and Hailey. Silvaco may alternatively choose to proceed to a new default prove-up hearing on its 5th and 6th causes of action at which the court shall restrict the damages to those arising from the conduct of Meta and Hailey during the period pleaded in Silvaco's existing amended cross-complaint.

Meta is entitled to a retrial on Silvaco's 7th cause of action. If Silvaco files a second amended cross-complaint with respect to its 5th and 6th causes of action, the retrial on its 7th cause of action shall encompass the issue of Meta's liability. If Silvaco instead proceeds to a new default prove-up hearing on its 5th and 6th causes of action, the retrial of Silvaco's 7th cause of action shall extend only to the amount of the award.

The trial court shall vacate its dismissal of Meta's complaint and reinstate all of Meta's causes of action in its original complaint. Meta shall recover its appellate costs.

(not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed June 21, 2001

San Jose, California

Thursday, June 21, 2001 (continued)

H022904 JAIME B., et al. v. SUPERIOR COURT; HUMAN RESOURCES
AGENCY

The petitions for extraordinary writ are denied, and the order to show cause is discharged. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed June 21, 2001

H021923 PEOPLE v. GARCIA

The judgment is affirmed. We have disposed of the habeas corpus petition by separate order filed today. (See Cal. Rules of Court, rule 24(a).) (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed June 21, 2001

H021259 PEOPLE v. PEREZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed June 21, 2001

FRIDAY, JUNE 22, 2001

H020228 PEOPLE v. KILPATRICK

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed June 22, 2001

H022154 PEOPLE v. VILLA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P.J., Mihara, J.)
Filed June 22, 2001

In The Court Of Appeal Of The State Of California 117
Sixth Appellate District
San Jose, California

Friday, June 22, 2001 (continued)

H020015 RICHARD CRAWFORD WYCKOFF, et al. v. THE STATE OF CALIFORNIA

By the Court:

The written opinion which was filed on June 4, 2001, is certified for publication. (Wunderlich, J.; Premo, Acting P.J., Bamattre-Manoukian, J.)

The written opinion which was filed on June 4, 2001, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports.

Dated: June 22, 2001 Premo, Acting P.J.

H021192 PEOPLE v. JAIMES

The judgment is reversed and the matter is remanded for resentencing in accordance with this opinion. On remand, the court shall not impose a sentence longer than 21 years. After resentencing, the trial court shall prepare a new abstract of judgment and send a certified copy thereof to the Department of Corrections. (not published)

(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed June 22, 2001

H020948 PEOPLE v. MOORE

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed June 22, 2001

H021982 PEOPLE v. JACKSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed June 22, 2001